

Business Law  
Lesson: 4/10/2020

**Learning Target:** Describe how conflicts between laws are resolved

**Let's Get Started:**

Watch Video: [Conflict of Laws and Judicial Review](#)

# What Happens When Laws Conflict?

Sometimes laws created by different levels of government conflict. For example, a city ordinance setting a speed limit of 35 mph on a state highway near an elementary school may conflict with a state statute setting 45 as a minimum speed limit on state roads. Different types of laws created by the same level of government also may conflict. A federal administrative regulation requiring the phase-out of coal-fired electric-generating plants may conflict with a federal court decision holding that such regulations are unconstitutional.

In these situations, legal rules are used that determine which statement of the law is superior to the other and should therefore be enforced. Generally, these *supremacy* rules hold that federal law prevails over state law and state law prevails over local (city and county) law. Within the state and federal systems, constitutional law prevails over statutory law and statutory law over administrative law. Finally, within each of the state and federal court systems, a higher court's decision prevails over a lower court's.

# Supremacy Clause

Constitutions are the highest sources of law, and **the federal Constitution is “the supreme law of the land” (U.S. Constitution, Article VI).**

This means that no statute (federal, state, or local), case law, or administrative decision is valid if it conflicts with the federal Constitution. Within each state’s legal jurisdiction, the state constitution is supreme to all other state and local laws.

## Supremacy Clause - A Ladder of Laws

1. U.S. Constitution
2. Federal Laws and Treaties
3. State Constitutions
4. State Laws
5. Local Laws



# WHAT HAPPENS WHEN LAWS CONFLICT?

**Constitutions and validity** - no statute (federal, state, or local), case law, or administrative decision is valid if it conflicts with the federal Constitution.

**Statutes and validity** - statutes or ordinances must be constitutional to be valid.

**Administrative regulations and validity** - reviewed by courts to determine whether they are constitutional.

**Case law and validity** - The legislative body that passed the statute can always put it back in force by rewriting it in a form that complies with the court's decision.

# ACTIVITY #5

**Answer the following questions in full sentences/paragraphs in you Journal:**

- 1 - Which source of law in the United States is the highest authority and how do you know this?
- 2 - Describe an example when a higher level of law takes precedence over a lower level law.
- 3 - What determines whether a particular law, statute, ordinance, or regulation is valid?